

## **Wet, windy week ahead for region**

By Bee Staff Reports

Modesto Bee, Monday, December 22, 2008

I'm dreaming of a wet Christmas?

The National Weather Service is forecasting a series of cold winter storms this week. They are expected to bring rain to the valley, snow to the hills and wind just about everywhere.

Forecasters issued a "special weather statement," advising residents to be aware of the upcoming storms and to take caution when traveling.

A chance of showers is expected through Thursday, with highs near 50 and lows near 40. Rain is likely Christmas Day, the weather service says, with a high near 50 and lows in the 30s.

A half-inch to an inch of rain is expected to fall in the valley, with 2 to 3 feet of snow falling as low as 2,000 feet. Gusty winds could reach up to 60 mph in the higher elevations of the Sierra and 35 mph in the valley.

The good news? All the rain has cleared out the valley air, making burning acceptable to the San Joaquin Valley Pollution Control District. So you might want to avoid the roads, light a fire and curl up with a cup of hot chocolate and a book.

Drivers planning to travel should check road conditions with Caltrans at 800-427-7623, or online at [www.dot.ca.gov](http://www.dot.ca.gov), and be prepared for hazardous driving conditions.

## **Local Wal-Mart taps the sun in energy-saving project**

By Shawbong Fok

Hanford Sentinel, Saturday, Dec. 20, 2008

The Hanford Wal-Mart is part of a major solar-power experiment aimed at saving energy that could eventually spread to all the chain's stores and save more than 200 million customers money. The 554-kilowatt solar-power system that sits on the roof of the Hanford Wal-Mart is part of a pilot project at 22 Wal-Mart stores, Sam's Club locations and distribution centers throughout California and Hawaii aimed at replacing 7,000 to 8,000 metric tons of greenhouse gas emissions per year.

Hanford's solar system, built by San Jose-based SunPower Corp., was completed Nov. 24 and is expected to generate about 15 percent of the store's electricity.

"The City of Hanford is proud that Wal-Mart has chosen our local Wal-Mart store to be part of their 22-store solar power pilot project," Hanford City Councilman Dave Thomas said in a statement. "Not only is the store's solar power system helping conserve energy, it's also helping reduce greenhouse gases -- something all Hanford residents can appreciate."

The solar power systems at Wal-Mart stores are the start of a long-term goal of saving more energy throughout the company, the planet's largest private employer with 7,390 stores worldwide.

"This helps Wal-Mart not only save money to our current utility rates by reducing energy costs and lowering green house gas emissions but also moves us closer to our goal of being supplied 100 percent with renewable energy," said Amelia Neufeld, spokeswoman for Wal-Mart.

Indeed, Wal-Mart facilities in Texas are already on a test using wind power.

Hanford is the most northern store in California to be part of the pilot solar-power project.

Hanford's site was chosen because of the good amount of sun in the area, and the angle of the store's roof that allows it to absorb the maximum amount of sun, Neufeld said.

All but two of the California Wal-Mart stores involved in the solar-power projects are in the Southland because of the region's sunny climate. The solar roofs are installed at stores in Santa Ana, Palm Desert, Chino, Glendora, Beaumont, Palm Springs, La Habra, Simi Valley, Lakewood,

Orange, La Brea, Palmdale, Covina and Westminster. Porterville's distribution center is the closest to Hanford's store. Hawaii was also chosen for its sunshine.

As part of the test program, Wal-Mart will evaluate the solar systems' cost effectiveness, whether the solar panels work effectively and assess maintenance issues before expanding them to more stores, Neufeld said.

Local shoppers agree that the solar-power project will benefit customers in the long run.

"It saves energy and keeps the cost of doing business down, which will eventually trickle down to customers by keeping the price of merchandise down," said Shannon Chezick, 43, a sales marketing manager from Kingsburg.

## **Frazier Park to get own no-burn designation**

By Stacey Shepard, Californian staff writer  
Bakersfield Californian, Friday, Dec. 19, 2008

Opponents of fireplace restrictions in Frazier Park won a small victory Thursday.

San Joaquin Valley Air Pollution Control District officials agreed to develop no-burn designations specifically for the mountain community.

However, the designations won't be immediately available since the district must create tools for localized forecasting.

"We'll work on getting it done as quickly as possible," district spokeswoman Brenda Turner said after the meeting. Until then, the community should still adhere to restrictions issued for valley portions of Kern County, she said.

Frazier Park came under the fireplace rule this fall when the air district strengthened the rule and removed an elevation exemption for homes above 3,000 feet.

The rule prohibits wood burning in fireplaces and wood stoves in the valley when air quality is poor. Homes are exempted if wood is the sole source of heat or the home has no natural gas service

Frazier Park residents complained that restricting fireplace use in the mountain community was unfair and not supported with scientific information.

For example, the district provided no data to back up its claim that the community contributes to pollution in the valley and suffers localized health impacts from wood burning.

The rule should be suspended in Frazier Park "until there's adequate study done to determine how much pollution we do produce," Chuck Woerner, a Frazier Park resident, told the board.

Some board members were against making special exceptions for certain communities. However, others said Frazier Park was a special case since it's located in a windy, mountain pass and is the only community in the valley above 3,000 feet with natural gas service.

## ***BREAKING NEWS: 'No to No-Burn' Petitions Trigger Action***

By Patric Hedlund with reporting by Katy Penland  
Mountain Enterprise, Friday, Dec. 19, 2008

BAKERSFIELD (Thursday, Dec. 18, 2008 2:00 p.m.) — Four Mountain Community citizens were surprised today to see that their "No to No-Burn Day" petitions have had an immediate impact on the governing board of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Mountain residents rose to speak at noon as the agenda item on the wood-burning ban came up at the air pollution control board's December meeting. Brian Bierman of Pinon Pines said 1,534 signatures had been collected in four days from mountain residents concerned about the financial burden and health risks of not being able to burn wood to stay warm. Chuck Woerner of Frazier Park presented data about east-west wind currents in our region which appeared to invalidate the notion that wood smoke in Frazier Park is contributing to Bakersfield pollution problems.

Led by Kern County Supervisor Ray Watson and air district Executive Director Seyed Sadredin, boardmembers voted 8-2 to direct SJVAPCD staff to establish the Frazier Mountain region as a separate air control area and to conduct a study to determine whether there is a scientific justification for "No-Burn Day" bans on the mountain. The current no-burn alerts are triggered by poor air quality in Bakersfield during the winter when there is an inversion layer in the valley.

Prior to October 16, 2008 there was an exemption for mountain areas above 3,000 feet, but in a 5-4 vote (with virtually no advance warning to the public) the board removed that exemption for all mountain regions within its jurisdiction. Watson cast the deciding vote in the October meeting.

Other mountain areas within the San Joaquin Valley district have a north-south alignment. The supervisor said in an interview Monday, Dec. 15 that he had not considered the implications of the east-west alignment of this region. He said he also felt the petition made a good point regarding the economic hardships posed by the sudden ban on wood burning when families had saved all year to buy their wood for the winter.

*The Mountain Enterprise* and three Bakersfield TV stations were at the meeting today to interview the mountain residents. In addition to Chuck Woerner, Sondra Woerner and Brian Bierman, Charles Ahnfeldt (who sells firewood) and Frank Williams attended. The meeting was teleconferenced to the Bakersfield office of SJVAPCD. The board itself met at the agency's headquarters in Fresno.

Sadredin said, "The board has directed the staff to build analytical models and forecasts for Frazier Park recognizing that Frazier Park is unique in that it is the only region in the valley that is above 3,000 feet that has natural gas." Ray Watson said, "...There is natural gas but it doesn't meet the needs of low income and retired people in the area." He also mentioned the east-west orientation of the region and said he didn't want a study to delay the decision about what is an appropriate rule for the area.

UPDATE (Friday, Dec. 19, 2008) — "Frazier Park is still subject to the [no-burn day] rule," SJVAPCD Executive Director wrote Friday, Dec. 19. "We are in the process of setting up analytical and forecasting models to enable us to call burn designations specifically for Frazier Park. Until then they must follow the burn designation for Kern County."

As its own control area, Frazier Mountain residents with natural gas will have burn bans only when the air quality here on the mountain is directly threatened.

Turner said there has been an inspector on the mountain checking to see if there is "smoke coming from chimneys" on no-burn days. "There have been 23 no-burn days since the season started November 1," Turner said, while acknowledging that temperatures had fallen to as low as five degrees in the Frazier Mountain region during the recent snows and that Frazier Park homeowners often use wood burning stoves "to take the chill off" even when they have natural gas heating.

"Three or four citations" have been written to Frazier Mountain residents since November 1, Turner reports, adding, "There is a \$50 fine, or it can be contested. One can also attend an online 'fire place school' to waive the fine." Those who do not have natural gas in their homes can fill out an exemption form if they receive a citation.

Several Frazier Park and Lake of the Wood residents were heard vowing to ignore the no-burn rule as they signed the "No to No-Burn Days" petition last week.

Turner said she did not expect a no-burn day to be called for the remainder of this week or through Christmas.

## **Wood Burning Petition Heats Up Many Vow Non-Compliance with Regulation**

By Gary Meyer and Patric Hedlund

Mountain Enterprise, Friday, Dec. 19, 2008

Anywhere you went in Frazier Park, this past week, people were signing a petition to protest the ban on wood burning imposed October 16 by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

On Sunday, Dec. 14 petitions that were on the counters at Ace Hardware for only 20 minutes already had two dozen signatures. "We got about 1,400 signatures in only three days," said Chuck Woerner, who started the protest with a letter to the editor of *The Mountain Enterprise* and calls to the pollution control district.

The SJVAPCD is facing federal and state requirements to do even more to clean up the air in the valley. Arvin was declared to have the worst air in the nation for the third year in a row.

At Ace and Frazier Park Market, mountain residents asked the same question: Why are we being told we can't heat our home when they haven't shown that wood smoke up here even affects the air down in the valley?

Some residents of Frazier Park think SJVAPCD is being overbroad by rescinding a previous exemption for homes above the 3,000 foot level where they say snow and chilly air can render natural gas alone inadequate and too expensive for keeping their families warm.

Supervisor Ray Watson, who cast the deciding vote October 16, listened to a *Mountain Enterprise* reporter read the petition complaints Monday, Dec. 14. "There are some good questions there," he said, "I welcome their bringing this to the attention of the board on Thursday. We need to ask if there are things that can be done that would address the concerns. I hope someone will speak who can make a good presentation to the board." Economic hardship imposed on families that budgeted for their winter's wood and were suddenly told there might be 48 no-burn days is a strong point, he said.

Brian Campbell of Frazier Park said, as he signed the petition, "I will not not burn wood."

The petitions, launched by Woerner and Brian Bierman of the Frazier Mountain area, will be presented at the board meeting on December 18. The public is invited to attend at 2700 M Street, Suite 275, Bakersfield. The meeting starts at 9 a.m. To speak, you must sign in before 8:45 a.m.

## **Valley group sues EPA over air quality**

By Mark Grossi, The Fresno Bee

In the Fresno Bee and Merced Sun-Star, Friday, Dec. 19, 2008

San Joaquin Valley air activists on Thursday sued the U.S. Environmental Protection Agency, claiming the agency failed to accept or reject two rules in the Valley's ozone cleanup plan.

The Association of Irrigated Residents filed the lawsuit in U.S. District Court in San Francisco.

One of the rules requires additional fees on businesses if the Valley doesn't meet the one-hour federal ozone standard by 2010. The other rule sets controls for dairies and other animal operations.

Both rules were approved years ago by the San Joaquin Valley Air Pollution Control District. The district routinely enforces such rules, no matter what the federal government does.

But federal Clean Air Act requires the EPA to determine if the rules protect the public and conform with federal law. Without EPA action, citizens cannot legally pressure regulators in federal court to fulfill the obligations in the rules.

"EPA should have acted two years ago to ensure our health is protected," said Shafter resident Tom Frantz, who is president of the activist association. "Once again, EPA has utterly failed to protect the health of Valley residents." EPA officials in San Francisco could not be reached for comment.

Activists have successfully sued the federal agency several times in the past nine years over many Valley air cleanup issues. The lawsuits have forced several major actions, such as bans on wood burning during the worst nights in the Valley.

Activists said they did not think the two ozone rules involved in the lawsuit are strong enough to protect the public.

They have been particularly critical of the rule aimed at controlling emissions from animal operations, saying farmers are allowed to pick the cheapest and least-effective options.

### **Clean air activists sue EPA over pollution rules**

The Associated Press

In the Merced Sun-Star, Contra Costa Times and other papers, Thursday, Dec. 18, 2008

SHAFTER, Calif. -- A community group in the southern San Joaquin Valley is suing the U.S. Environmental Protection Agency, saying the agency isn't doing enough to clean up air quality in central California.

The Association of Irrigated Residents filed suit Thursday in a San Francisco federal court, claiming the EPA is violating the Clean Air Act because it hasn't taken action on two proposed rules within the 18-month period required by Congress.

Until EPA decides whether the plans California air regulators adopt to clean up air pollution are legal, many measures can't be legally enforced.

One rule designed to reduce future smog emissions was submitted in 2002. Another, which would regulate air pollution caused by dairies and feedlots, was sent to the agency in 2006.

### **Young students often most vulnerable to toxic air**

By Blake Morrison, Brad Heath and Rick Jervis

USA TODAY, Monday, Dec. 22, 2008

BATON ROUGE — From the front door of the aged brick school, the 4-year-olds at Wyandotte Early Childhood Center can spot the cottony plumes from a refinery just over the trees.

The ExxonMobil plant, the nation's second-largest refinery, processes about a half-million barrels of crude oil each day. Its sprawling complex sits a few blocks from the school — and from the swing set on the playground and about 120 pairs of developing lungs.

Chris Trahan, a spokesman for the East Baton Rouge Parish School System, says he's certain ExxonMobil would let the school district know if there were an accident at the plant that could hurt children. As for air quality, "It just doesn't come up in conversation," Trahan says. "It's just part of daily life out here."

The circumstances at Wyandotte mirror those at thousands of other schools across the nation, including many schools that house the youngest — and most vulnerable — kids. USA TODAY spent eight months examining the impact of industrial pollution on schoolchildren and found that 20,000 schools — about one in every six — are within a half-mile of a major industrial plant.

To help identify schools where children might be at greatest risk from toxic chemicals, USA TODAY used the government's most up-to-date computer simulation for tracking industrial pollution. Then USA TODAY mapped the locations of 127,800 public, private and parochial schools. It is a task the Environmental Protection Agency has never undertaken.

Based on the levels and potential health hazards of the chemicals likely to be outside, the model ranked Wyandotte among the worst 1% of schools in the nation — and the worst in Louisiana. It also indicated that the ExxonMobil refinery — which emits sulfuric acid, naphthalene, ammonia and benzene, among two dozen chemicals — was primarily responsible for its ranking. The model's most recent version is based on reports by more than 20,000 industrial sites in 2005.

The Baton Rouge refinery opened in 1909. Wyandotte, built in 1925, was an elementary school for much of its life. In 2000, it became an early-childhood center, a place where 4-year-olds prepare for kindergarten. The rationale for sending the youngest kids there: "It was the most available resource that we had," says Bobbie Robertson, preschool director for the district.

Proximity to industries — and the exposures to toxic chemicals that often go with it — can portend unique dangers for young children. Their bodies still are developing, and they breathe more air per pound than adults.

That means they get "a heavier dose of the chemical" with each breath, says Philip Landrigan, a pediatrician who leads a unit at Mount Sinai School of Medicine in New York on children and the environment.

By his account, their biological fragility and the amount of air they breathe make kids at least 10 times more susceptible than adults to most toxic chemicals.

"In early childhood and the nine months before birth, there occur 'windows of vulnerability,' " Landrigan says. "We're beginning to learn that a lot of diseases appear to be triggered by early exposures, but it takes years, even decades, for those to progress to diseases like cancer, like Parkinson's disease, like Alzheimer's."

Not every child who is exposed faces those outcomes, but Landrigan and others say it is impossible to know which children might be affected and which might not. Too little is understood about the impact of thousands of chemicals on children. In part, that's because most government assessments of the dangers assume those exposed are adults.

"The science doesn't know — it can't establish — what a safe level is" for children, says Stephen Lester, the science director of the Center for Health, Environment & Justice, an advocacy group that focuses on children and schools. "There's no tool, scientifically, for evaluating cumulative risk."

Landrigan says the lack of detailed knowledge on safe levels of exposure, coupled with today's rates of childhood cancer, asthma and attention-deficit/hyperactivity disorder, or ADHD, begs "the obvious question: Is there a cause-and-effect relationship?"

### **Health concerns persist**

School district spokesman Trahan says "there are no reported illnesses or health issues" at Wyandotte. He says the district knows of only one student at the school whose parents told the district that their child has asthma. Districtwide, parents of about 3,000 students — 6% of total enrollment — notified the school that their child was asthmatic, Trahan says. "There's probably more," he says, "but we're just not aware of them."

Residents and at least one area physician worry the problems at Wyandotte may be greater than the statistics suggest.

Charmaine Venters, a physician and director of the Louisiana State University Mid-City Clinic a few miles from the school, says she treats students from Wyandotte and other area schools who battle asthma or other respiratory ailments.

The number of children here suffering from respiratory problems is greater than anywhere else she's seen in her almost 30-year career, she says.

The differing perspectives underscore the challenge of spotting asthma in children so young, says Patrick Breyse, director of the Center for Childhood Asthma in the Urban Environment at Johns Hopkins University.

"With young kids, a lot of pediatricians say it's impossible to diagnose asthma because they might just be at a wheezy stage," Breyse says. "A 4-year-old would be kind of borderline."

ExxonMobil says it has taken many steps to make the air cleaner. Spokesman Prem Nair says the company is "continually improving the air quality near our Baton Rouge complex through emissions controls, technology enhancements and process changes."

Last week, ExxonMobil agreed to pay about \$6.1 million in penalties for violating terms of a previous agreement aimed at curbing emissions at its refineries, including the plant here.

Nair says only \$3,000 of that penalty related to violations in Baton Rouge. The penalties were based on the company's failure to monitor and control sulfur, a chemical burned in refinery furnaces that can cause respiratory illnesses, the EPA determined.

Derek Reese, the environmental supervisor for the Baton Rouge facility, says he appreciates what is at stake.

"My wife is a teacher in the Baton Rouge school system. My son goes to Baton Rouge High," he says. "You don't have to worry about me not understanding. I don't feel any disconnect between working at Exxon and kids and families."

### **'I want to know'**

The computer simulation used by USA TODAY to identify schools that might be in toxic hot spots was developed by the EPA. Called Risk-Screening Environmental Indicators, its purpose is to trace the potential path of chemicals and compare one location to another. Bob Lee, an EPA official who oversees the model, called USA TODAY's use of it "highly appropriate" and "the kind of thing that makes a lot of sense."

With the help of researchers from the University of Massachusetts Amherst, USA TODAY plotted the locations of schools to rank them based on chemicals likely to be in the air outside. Some of the schools and the companies responsible for the chemicals have closed or moved since the government collected the data. Others may have opened. That means the data are not definitive but a snapshot in time.

The rankings showed 435 schools with air more toxic than the air outside Meredith Hitchens Elementary, a suburban Cincinnati school that closed in 2005 after air samples outside the building showed high levels of carcinogens coming from the plastics plant across the street.

Among the schools that ranked worse, about half were elementary or pre-K schools — places where children were likely to spend the most time outside, usually during recess. Those schools included Wyandotte; Stony Brook Elementary in York, Pa.; Edison Elementary in Council Bluffs, Iowa; and the Early Childhood Center in Kennett, Mo.

Without monitoring for toxic chemicals, often for months, no one is certain what's in the air at those locations. USA TODAY's findings, however, have prompted action in several states:

- Pennsylvania environmental authorities have pledged to monitor outside the York school and at least six others.

In some cases, they may find air quality better than the model indicates — or substantially worse. That's because USA TODAY focused on industrial pollution, which accounts for about 15%-20% of toxic chemicals in the air. In a news release, the Pennsylvania Department of Environmental Protection noted the newspaper's analysis doesn't include pollution sources such as cars, which "can greatly elevate health risks."

- Iowa regulators launched their own analysis. "We will be coming up with a plan to take a look at the schools that are ranked high," says Wayne Gieselman, the state's head of environmental protection. "If we have to place some monitors out at these sites, we'll do that."

- In Kennett, Mo., where USA TODAY identified two schools that appeared to have air worse than at Hitchens, the school district is pushing for answers. Superintendent Jerry Noble says state regulators have pledged to take months' worth of air samples at district schools.

"It's very important. If we've got a problem, I want to know," Noble says. "I believe a lot of good's going to come out of this."

### **Much remains unknown**

The current head of EPA's Office for Children's Health Protection and Environmental Education, Ruth McCully, says protecting children also is a high priority for the agency. They are "being considered in the agency's activities, from standards to regulations to research to outreach."

In October, for instance, the EPA strengthened its standards for airborne lead, making them 10 times more stringent. It was the first time in decades the standards were strengthened.

Critics contend the changes took too long, weren't tough enough and will be difficult to enforce, in part because the agency has only about 130 monitors nationwide that can measure lead in the air. John Balbus, chief scientist at the Environmental Defense Fund, supported the change but says the EPA's own research justified an even more rigid standard.

Much is known about the impact of lead on a child. Far less is clear about other chemicals.

In a chapter of an upcoming edition of a book on pediatrics and the environment, Landrigan writes that more than 80,000 chemicals are "registered for commercial use" with the EPA.

"Children are most at risk of exposure to the 3,000 synthetic chemicals produced in quantities of more than 1 million pounds per year," he writes. But "information on potential toxicity is publicly available for only about half of the 3,000" and "information on developmental toxicity or capacity to harm infants and children is available for fewer than 20%" of these chemicals.

That leaves scientists and regulators largely guessing about the impact of specific chemicals. Those guesses often are based on their experiences, such as the determination that lead — even at low levels — stunts a child's intellectual development.

"The more we study most toxicants, the more effects we find at lower and lower doses," says Herbert Needleman, professor of pediatrics at the University of Pittsburgh and one of the nation's foremost experts on lead.

"The developing brain," Needleman says, "is much more sensitive than the developed brain."

Despite the lack of scientific certainty, research has indicated the impact of chemicals, especially on elementary schoolchildren, can be life-long.

A recent study by the University of Texas correlated increased cases of leukemia and lymphoma among children to levels of butadiene in the Houston air. The carcinogen is often released by petrochemical plants and rubber and plastics manufacturers.

The 18-month study indicated that children living within 2 miles of the Houston Ship Channel had a 56% higher risk for childhood leukemia than did those living more than 10 miles away.

"You're talking about facilities that are in neighborhoods where there are schools, parks, playgrounds," says Elena Marks, director of health and environmental policy for the city of Houston, which requested the study.

At thousands of locations, the model used by USA TODAY indicated that the air outside schools appeared far more toxic than the air in the neighborhoods where the kids lived.

At 16,500 schools, the air outside appeared at least twice as toxic as the air at a typical location in the school district.

At Wyandotte, the model indicated the air was 71.3 times more toxic than the average air in the district. That means kids who lived more than a kilometer away were likely leaving homes where the air outside was better than the air outside the school.

Rodney Mallett, a spokesman for the Louisiana Department of Environmental Quality, says the closest monitoring station to Wyandotte that could measure toxic chemicals is about 2 miles away. Despite the vulnerability of children, "we don't have them placed outside of any schools," Mallett says of state monitors. The reason? "If you put them just where the schools are," he says, "you're going to get just what's outside the school."

### **Company-school partnership**

ExxonMobil has developed a special relationship with area schools. Schools spokesman Trahan says company officials try "to get students to get into science. They offer free tutoring" to some students and professional development for teachers.

The company, which also operates a chemical plant here and employs about 2,250 people at those facilities, has worked with citizen groups. Two representatives of the company sit on the board of North Baton Rouge Neighborhoods United, says Bea Gransberry, a board member. ExxonMobil officials have assured the board they are doing everything possible to reduce emissions, she says.

"We felt that if they were over there working, they're closer than we are to it, and they weren't going to do anything to harm themselves," she says.

Activist Lois Gibbs, director of the Center for Health, Environment & Justice, says parents are too often willing to accept a local industry's assurances that all is well — and that, if pollution were dangerous, the government would know. "It's easy to believe that," she says. "It's our economy. It's our jobs. And then there's the guilt — 'I have to admit I'm willingly, knowingly allowing my child to be poisoned.' "

"The answer," Gibbs says, "is to move that guilt and frustration into action."

That's why monitoring is so important, says Ruth Breech, program director for Global Community Monitor, a non-profit that works with communities interested in testing air quality. "Ultimately," Breech says, "it's about putting pressure on your city government, your EPA and the polluter themselves."

Physician Landrigan faults government agencies for making assumptions about the safety of toxic chemicals. One assumption: "Chemicals are safe until they are proven dangerous." Landrigan says history — and the best science — show how dangerous that assumption can be. "We've learned from long and bitter experience (that toxic chemicals) in fact turned out to be dangerous, and especially so to children."

That leaves one option, scientists say. "The only authentic response is prevention. Stop exposure before it happens," says Needleman, an expert on lead. "The payoffs would be enormous. I don't think we know how smart our kids could be."

## **Idaho energy czar aims to harness cow pie power**

By John Miller, Associated Press Writer  
Contra Costa Times, Monday, Dec. 22, 2008

BOISE, Idaho—Idaho is hoping to capitalize on more than just the milk emerging from its cows.

The state's mountains of manure are fueling dreams of pipelines linking waste treatment facilities at dairies large and small to central refineries that produce natural gas pure enough for homes or cars.

State energy czar Paul Kjellander, who heads up Gov. C.L. "Butch" Otter's Office of Energy Resources, is pushing a package of income tax credits, property tax waivers and other incentives in the 2009 Legislature starting Jan. 12 to transform Idaho's southern heartland into a methane Mecca.

The hope is that processed manure could be sold as plant bedding and dairies could also fire turbines, shooting electricity into the power grid. And they could sell carbon credits in schemes to slash greenhouse gas emissions.

"We can put together the right package and right mechanism to help move it along," Kjellander told The Associated Press. "You've got to have somebody locally who is ready to take the risk and move this forward. But the state can provide the right type of incentives."

Idaho, with 550,000 cows, is now America's No. 3 milk producer, trailing California and Wisconsin. Other states are also trying to whet potential manure investors' appetites.

Minnesota recently gave a farmer more than \$200,000 to finance a project that returns unused electricity to its power grid. Washington offers sales tax exemptions for dairies that install so-called digesters, which converts methane from cow manure into electricity.

In Oregon, a utility and an environmental group are taking advantage of state energy tax credits to build a \$1 million methane digester at the state's largest dairy. NW Natural and the Bonneville Environmental Foundation are building the facility at Threemile Canyon Farms in Boardman.

And in the midst of 2001's rolling blackouts, California set aside \$10 million for "manure methane power production projects."

Idaho's measure would eventually allow counties not in the south, including depressed timber hamlets in the northern forests, to create alternative "energy enterprise zones" to assist companies in turning wood waste to energy.

With this pilot project focusing initially on the region around Twin Falls, however, Kjellander hopes to direct attention to where massive dairies have expanded en masse in recent years, lured by cheap land, cheap feed and utility costs that are just a third of California's.

Agriculture accounts for a third of U.S. methane released into the atmosphere. Methane, also from landfills, coal mines and oil refineries, is considered the No. 2 greenhouse gas contributing to global warming, after carbon dioxide.

The Idaho Conservation League has highlighted risks associated with Idaho's enormous dairy feedlots, including water quality threats and air pollution. The group supports Kjellander's bill.

"We're hoping the digesters will not only capture greenhouse gases, but also because of the way the system works, there will be additional controls of other air pollutants," said Courtney Washburn, from the environmental group's Boise office. "Hopefully, it will make the lives of the neighbors a lot easier."

Intermountain Gas Co., a privately owned natural gas utility headquartered in Boise that serves more than 275,000 customers, backs the plan, too.

The company, a unit of Montana-Dakota Utilities Co., gets its natural gas largely from reservoirs in Canada and beneath the Rocky Mountains, including Wyoming and Utah. Incentives could help dairies cut the cost of their gas to competitive levels, said Brent Wilde, a spokesman.

"We're charged with purchasing the least expensive gas we can get our hands on," he said. "Probably the biggest benefit is being able to use that methane for something useful, rather than letting it go into the atmosphere."

Minneapolis-based Cargill Inc. soon aims to sell electricity from its \$8.5 million, 2.25 megawatt digester and generator facility at the 10,000-cow Bettencourt Dairy in Hansen to Idaho Power Co., the state's largest utility.

This is the agricultural conglomerate's first such project, but Cargill has another southern Idaho plant due to open in 2009. It's also exploring similar endeavors in neighboring Washington, Oregon, New Mexico, California, Texas, New York and Indiana, said Craig Maetzold, Cargill Environmental Finance's operations manager.

"We believe the credits in renewable energy are only going to increase in value in the future," Maetzold said.

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On the Net:

Idaho Office of Energy Resources <http://www.energy.idaho.gov>

## **Court ruling may help reduce California refinery pollution**

By Margot Roosevelt, Los Angeles Times

In the Contra Costa Times, Tri-Valley Herald and other papers, Friday, Dec. 19, 2008

LOS ANGELES — Toxic air pollution spikes from California's 21 refineries may be sharply curtailed after a U.S. Court of Appeals decision in Washington on Friday.

In a suit brought by the Sierra Club and other groups, the court struck down a 14-year-old federal regulation that allowed refineries, chemical plants and other industrial plants to exceed pollution limits during startups, shutdowns and equipment outages.

The lawsuit also accused industrial complexes in Texas and Louisiana of unnecessarily emitting large quantities of toxic gases.

Public health advocates in Southern California's oil refinery hub hailed the decision, saying that facilities routinely operate in malfunction mode to evade pollution caps.

"We are elated," said Jesse Marquez, head of the Los Angeles-based Coalition for a Safe Environment, a plaintiff in the suit.

The Environmental Protection Agency regulation amounted to a "gaping loophole" according to the plaintiffs, represented by Earthjustice, a nonprofit law firm. "Under this notorious exemption, industrial facilities have been allowed to operate like a fleet of junk cars parked in neighborhoods, spewing smoke, misfiring, stalling and chugging," said Marti Sinclair, a Sierra Club official.

A 2004 report by the Washington-based Environmental Integrity Project, titled "Gaming the System: How the Off-the-Books Industrial Upset Emissions Cheat the Public Out of Clean Air," detailed how the 1994 regulations allowed facilities to emit tens of millions of pounds of excess toxic pollutants annually.

The Earthjustice lawsuit described clouds of toxic pollutants from refineries near the Port of Los Angeles during power outages in 2005 and 2007. The refineries could not be prosecuted because of the EPA regulation, the suit said.

William Tanner, a spokesman for ConocoPhillips — which owns refineries in Los Angeles, Santa Maria and San Francisco — said he could not comment on the lawsuit. "Our preference is never to flare," he added.

"However, flares are federally approved safety devices that allow refining operations to shut down in an environmentally sound manner."

Several major industrial groups opposed environmental groups in the lawsuit, including American Chemistry Council, American Petroleum Institute, Alliance of Automobile Manufacturers, American Forest & Paper Association, and National Petrochemical & Refiners Association.

## **Air quality district settles with construction company**

By Niesha Lofing

Sacramento Bee, Friday, December 19, 2008

The Sacramento Metropolitan Air Quality Management District announced Wednesday that it has reached a \$208,560 settlement with a construction company.

The air district settled with Kiewit Pacific Co. over air quality violations in connection with a project the company was working on at Folsom Bridge, a district news release states.

The company, which specializes in construction, engineering and mining services, was cited for several violations, including operating two diesel-fueled engines powering stationary cranes for nearly a year without a permit.

The engines didn't meet the district's "best available control technology" requirement for emission limits on internal combustion engines with more than 50 horsepower.

The agreement was reached via the district's mutual settlement program, which is designed to resolve violations without litigation.

## **Pollution Exemption Reversed**

### **Court Strikes Rule That Let Plants Sometimes Exceed Limits**

By Juliet Eilperin

Washington Post, Saturday, December 20, 2008

In a 2 to 1 decision yesterday, the U.S. Court of Appeals for the District of Columbia Circuit struck down an exemption that for nearly 15 years has allowed refineries, chemical plants and other industrial facilities to exceed federal air pollution limits during certain periods of operation. Environmental groups hailed the ruling, which overturned a provision, enacted under President Bill Clinton, that permits industrial operations that are starting up, shutting down or malfunctioning to emit more toxins into the air than is normally allowed. The Environmental Protection Agency and an array of business groups argued that the exemption was essential, but the court determined that it was illegal.

The ruling affects sources of air pollution across the country: Texas alone has 250 industrial sites, including oil refineries, chemical plants and petrochemical plants, that are affected.

"Citizens will be able to breathe cleaner air with greatly reduced levels of toxic chemicals released, especially people living in the fence-line neighborhoods near Texas's refineries and chemical plants where start-up, shutdown and maintenance emissions have been a huge pollution problem for decades," said Neil Carman, a former Texas state refinery inspector who is now clean air director for the Sierra Club's Texas chapter.

It is unclear whether the EPA will appeal. Agency spokesman Jonathan Shradar said, "EPA is disappointed by the court's ruling, and we will be reviewing the decision as we determine steps moving forward."

The agency created the exemption in 1994, and Bush administration officials broadened the interpretation of the provision over time. This made it subject to judicial review, and a coalition of advocacy groups including the Environmental Integrity Project, the Sierra Club, the Louisiana Environmental Action Network, the Coalition for a Safe Environment and Friends of Hudson challenged the provision's legality in court.

"What they did is take a bad provision and turn it into an almost complete barrier to enforcement," said Earthjustice attorney Jim Pew, who argued the case on behalf of the coalition. "This was an attempt to make all of the air-toxics laws unenforceable, and they almost got away with it."

Pew said industrial facilities routinely violated federal air standards under the guise of malfunctions, but industry representatives said these excesses were a necessary part of operations. Richard Alonso, a lawyer at Bracewell & Giuliani who represents oil refineries, said the plants often need to flare off volatile gases when they start up.

"These sources are already doing the best they can to reduce their emissions during these times," said Alonso, who worked in the EPA's office of enforcement and compliance from 2001 to 2007. "It's a big setback for refineries, and not just refineries but other industry sectors."

Alonso predicted that the next administration would have to devote "big resources" to rewriting regulations to comply with the court's ruling.

## **Commission discusses plans for East County power plants**

By Paul Bugarino, East County Times

Contra Costa Times, Friday, Dec. 19, 2008

A nearly-packed house attended a California Energy Commission workshop this week for a pair of proposed East County power plants — though the bulk of the attendees were engineers already plugged into the project.

Mirant Corp. plans to build natural-gas plants at two existing sites to replace unused buildings, oil tanks and brownfield land. The projects would not emit visual plumes and have ultra-low emissions, said Jonathan Sacks, business development director for Mirant. Further, construction would create hundreds of union jobs and property tax for the two cities, he said.

The 27-acre Marsh Landing site is just outside Antioch limits, but the city hopes to annex the land next year, said Victor Carniglia, Antioch's deputy director of economic development and advanced planning. The 26-acre Willow Pass site would be built next to three 430-foot smokestacks on part of land Pittsburg annexed earlier this year.

Thursday's hearings in Delta Diablo Sanitation District's plant lunchroom gave an overview of the two projects, a timeline of the year-long approval process, and a chance for the public to vet concerns.

The handful of residents who spoke — mostly from Pittsburg — raised concerns about air pollution, noise, and debris. Some questioned why the large smokestacks weren't being removed. The project would have to address soil contamination from old oil tanks, air quality, and biological and waste management issues, CEC officials said.

## **New ban imposed on regulating global warming gases**

By Dina Cappiello, Associated Press Writer

In the S.F. Chronicle, Modesto Bee and other papers, Thursday, December 18, 2008

WASHINGTON, (AP) -- The Bush administration is trying to make sure in its final days that federal air pollution regulations will not be used to control the gases blamed for global warming.

In a memorandum sent Thursday, outgoing Environmental Protection Agency Administrator Stephen Johnson sets an agency-wide policy prohibiting controls on carbon dioxide emissions from being included in air pollution permits for coal-fired power plants and other facilities.

The decision could give the agency a legal basis for issuing permits that increase global warming pollution until the incoming Obama administration can change it, a process that would require a lengthy rulemaking process.

"The current concerns over global climate change should not drive EPA into adopting an unworkable policy of requiring emissions controls," Johnson writes. And while the administrator acknowledged public interest in the issue, he writes that "administrative agencies are authorized to issue interpretations of this nature that clarify their regulations without completing a public comment process."

The White House has repeatedly said that the Clean Air Act should not be used to regulate carbon dioxide or other greenhouse gases, even though an April 2007 Supreme Court decision determined that the EPA could do so under the law. But that hasn't stopped environmentalists from trying.

The Thursday memo from Johnson was an attempt to clarify the agency's position after an appeals board in November rejected a federal permit for a Utah power plant putting the fate of scores of coal-burning power plants and other industrial facilities in limbo.

In that case, the judges said the EPA did not make a strong enough case for not requiring controls on carbon dioxide, the leading pollutant linked to global warming. Environmentalists had challenged the permit saying that law makes clear that greenhouse gas emissions can be controlled.

Environmentalists on Thursday said the EPA's memo would allow power plants to be approved that increase greenhouse gas emissions. They also said the ruling would tie the hands of President-elect Barack Obama, who has said he wants heat-trapping gases to be regulated.

"What you have is a midnight declaration that is designed by edict to rewrite EPA's regulations to say categorically carbon dioxide can never be considered in permitting a new coal plant," said Vickie Patton, an attorney with the Environmental Defense Fund.

But EPA spokesman Jonathan Shradar said the opinion simply codifies existing agency policy.

"It had been the unspoken policy of the agency," Shradar said. "All it does is put into policy what the agency has done for 30 years."

Representatives of the electricity generators said Thursday that the EPA once again made the right choice. Scott Segal, director of the Electric Reliability Council, an association of power companies, said if agency determined Clean Air Act could be used to place limits on carbon dioxide, many other sources would have to get permits under the law.

Segal said that if the EPA had made a different interpretation the results would have been catastrophic for the economy and the environment.

## **E.P.A. Ruling Could Speed Up Approval of Coal Plants**

By Mathew L. Wald and Felicity Barringer  
N.Y. Times, Thursday, Dec. 18, 2008

WASHINGTON — Officials weighing federal applications by utilities to build new coal-fired power plants cannot consider their greenhouse gas output, the head of the Environmental Protection Agency ruled late Thursday. Some environmentalists fear the decision will clear the way for the approval of several such plants in the last days of the Bush administration.

The ruling, by Stephen L. Johnson, the administrator, responds to a decision made last month by the Environmental Appeals Board, a panel within the E.P.A., that had blocked the construction of a small new plant on the site of an existing power plant, Bonanza, on Ute tribal land in eastern Utah.

The Supreme Court ruled last year that the agency could regulate carbon dioxide, the most prevalent global warming gas, under existing law. The agency already requires some power plants to track how much carbon dioxide they emit.

But a memorandum issued by Mr. Johnson late Thursday puts the agency on record saying that carbon dioxide is not a pollutant to be regulated when approving power plants. He cited “sound policy considerations.”

His said in the memorandum that each year, about 275 new sources of pollution, from power plants to apartment buildings, must obtain permits saying that they will not significantly decrease air quality. Mr. Johnson wrote that the decision he overruled had confused the federal and state agencies that issue these permits.

“Given the confusion,” the memorandum said, “the best path forward is to establish a clear interpretation” of what can be considered a pollutant to be regulated.

“The current concerns over global climate change should not drive E.P.A. into adopting an unworkable policy of requiring emission controls” in these cases, he said.

Mr. Johnson rejected a new line of attack by environmental groups. In the wake of the Bush administration’s failure to decide if carbon dioxide could be regulated under existing laws, environmental groups pursued a new strategy in fighting proposed coal plants like the one in Utah.

They asserted that because carbon dioxide must already be monitored under federal laws, that monitoring is tantamount to regulation. Therefore, they argued, its impact must be considered before new plants are approved. Last month the appeals board said the argument could be used, but was not required. On Thursday the administrator overruled the board. He said that simple monitoring cannot be considered regulation.

John Walke, a lawyer at the Natural Resources Defense Council, said in a statement, “It’s a marvel to behold an E.P.A. action that so utterly disdains global warming responsibility and disdains the law at the same time.”

Jeff Holmstead, a former E.P.A. official who now works with the Electrical Liability Coordinating Council, said the Johnson memo ensured that the incoming Obama administration had increased freedom to make its decisions on the status of carbon dioxide.

“I think if you’re Lisa Jackson,” whom Obama has chosen as Mr. Johnson’s successor, “you have to be pretty grateful,” he said. “She has the opportunity to go through a rule-making and see how to deal” with the issue.

Vickie Patton, deputy general counsel of the Environmental Defense Fund, estimated that as much as 8,000 megawatts of new coal-fired power plants could win swifter approval as a result of the ruling.

Opponents of coal plants list several in the late stages of the approval process that could be affected by the decision Thursday.

"There are a bunch that they are going to argue now don't have to consider carbon dioxide, and which will be beyond the reach of the incoming Obama administration," said Bruce Nilles, director of the antioil campaign at the Sierra Club, an environmental group.

He listed a proposed \$1.25 billion plant, called Pee Dee, that Santee Cooper, a South Carolina utility, is seeking to build and that won state approval on Tuesday; a project in Rogers City, Mich., that the Wolverine Power Cooperative Electric is seeking to build; and another project in Utah, a small plant sought by Consolidated Energy in Davis County. That one would run on petroleum coke, which is also carbon-rich.

[MediaNews editorial in Contra Costa Times and Tri-Valley Herald, Friday, Dec. 19, 2008:](#)

### **Editorial: The cleaning of California's air**

ON ONE DAY recently, California air regulators ushered in a new climate plan that puts the emissions hammer down on state utilities, refineries and large factories. Then, the next day, the state adopted the toughest diesel emission standards for trucks and buses in the nation. So much for that tough economy standing in the way of cleaning our air.

The state Air Resources Board is now holding the worst polluters accountable for heat-trapping greenhouse gas emissions, which if met, will change the way you travel, the way utilities produce power and the way businesses use electricity. The board outlined how individuals and businesses would meet a landmark 2006 law that mandates the state would cut emissions to 1990 levels by 2020.

A total of 31 new rules affecting virtually all facets of life were adopted with the belief that one day Californians will see more efficient public transportation, housing near schools and businesses, and utility rebates for homes that become more energy efficient, among other things.

The air board followed that with new diesel rules where, starting in 2011, accelerates the replacement of thousands of polluting trucks and buses that are not as clean as newer models with federally-mandated emissions standards.

Obviously, the board felt despite a global financial crisis and a state budget deficit projected to surpass \$41 billion by 2010, the process has to begin to make good on the 2006 law called the Global Warming Solutions Act.

Californians need to understand that their utility bills will rise and the cost of fuel-efficient cars will not be cheap. Odds are good businesses that incur additional costs will likely pass it on to consumers.

The new diesel regulations will cost businesses, school districts and transit agencies \$5.5 billion over 16 years. This alone could close some companies and put more strain on schools and public transportation. We could also see businesses either move from California or resist coming here in light of these new regulations.

But the question is when do we start the process toward cleaning our air? Californians are dying or suffering each day with our bad air.

Think about our students; a recent study by the USA Today rated three Berkeley schools located near a steel foundry as being impacted by industrial pollution. A San Leandro school, in the same study, was impacted by a company in San Leandro, a pipe factory in Union City, the steel foundry in Berkeley and a refinery in Rodeo, which clearly shows how widespread the damage these polluters can cause.

Considering that half of all Californians live near a freeway, state officials project the new rules will save 9,400 lives between 2010 and 2025. And that tens of thousands of hospital admissions are linked to air pollution, the state estimates a savings in health care of \$68 billion.

The truth is we can't afford not to begin the process, but we need to move forward carefully. The average Californian needs, for instance, to afford cleaner cars or residents will continue to work on their older models.

The average Californian cannot be gouged by utilities who may use these new rules as a way to raise prices. And big polluters who benefit from a cap-and-trade program need to be scrutinized closely so they, indeed, lower emissions in a timely manner.

We need to carry through with these regulations because the air won't clean itself. It's going to be a strain on our economy and we may not meet all of our deadlines, but this is a bold start that needs to happen.

[Modesto Bee Editorial, Sunday, December 21, 2008:](#)

### **Tentative West Park ruling on right track**

A Fresno County judge is headed in the right direction with his tentative ruling about West Park and when an environmental impact report is required under state law.

First, there's no doubt about whether there needs to be a major environmental review. If it proceeds, this project will cover more than 4,000 acres and have a dramatic impact on roads, air quality, noise levels, wildlife, water sources and many other aspects of life on the West Side.

In fact, the environmental review is under way, with a draft report expected out by next summer. Inevitably, the draft will -- and should -- generate significant public comment.

But the city of Patterson filed a lawsuit against Stanislaus County, claiming that this large and expensive environmental review should have been done before supervisors signed a memorandum in April with Gerry Kamilos and his West Park partnership. That memorandum allows Kamilos to continue planning the project, not to build.

Patterson filed its lawsuit in May. It's an obvious tactic to delay and eventually kill the short-haul rail proposal. County officials interpret it the same way, which is why they are fighting the lawsuit in court.

Fresno Superior Court Judge Tyler D. Tharpe, in his tentative ruling Tuesday, said the county's memorandum did not constitute a project under the California Environmental Quality Act. The judge is expected to issue a final ruling in a few days.

CEQA is a valuable way to measure the negative impacts of a project against the benefits, which the developers are always eager to talk about. We believe in the act, but we also believe it can be misused, and this appears to be a case of that.

Patterson and other opponents of West Park have already registered their objections to West Park and they'll have more opportunities to do so. City leaders are understandably concerned about the impact of additional trains through their community.

But to argue that the county has to roll everything back almost a year would be a ridiculous waste of time and money. A majority of supervisors like West Park, but it not yet a done deal. There will be significant impacts to mitigate and, frankly, the economy casts some doubt on all big projects.

But developing the former Crows Landing Naval Air Field for business and industry remains one of Stanislaus County's best opportunities to bring in a significant number of new jobs. We hope the judge confirms his tentative ruling and the planning continues.

More than ever, Stanislaus County needs an economic boost and West Park offers that possibility.

[Stockton Record Editorial, Sunday, December 21, 2008:](#)

### **No carbon copy**

New administration likely to change our course on climate

Mexico has done something virtually none of the world's rich, industrialized countries - including the United States - so far has been willing to do: begun a plan to cap greenhouse gas emissions.

Mexico's move, announced 10 days ago in Poland at a gathering of 145 environmental ministers and other leaders, is seen as an attempt to prod others to action.

Countries such as the U.S., Japan and Canada have been slow to adopt such standards, saying that unless developing countries join in, nothing will be accomplished. They point to the blossoming economies of China and India as examples of countries whose pollution levels are quickly increasing but that have shown no interest in setting controls in place (think Beijing just before the Olympics).

That argument seems disingenuous, especially when made by the United States, which for eight years has been led by a president who believes the jury is still out on climate change. Ironically, the day Mexico announced its emissions control plan, U.S. government researchers announced that this country is warming up because of greenhouse gases.

"The continent as a whole is warming, mostly as a result of the energy sources we are using," said William J. Brennan, acting administrator of the National Oceanic and Atmospheric Administration.

Researchers can research all they want, fill libraries with their papers and pile their data higher than the U.S. Capitol, but it is those inside that building and especially the occupant at the other end of Pennsylvania Avenue who will make the political decisions to move emissions control efforts forward. In the past eight years, that hasn't happened.

That could soon change.

Last week, President-elect Barack Obama tapped Nobel Prize-winning physicist Steven Chu to be energy secretary. Chu, 60, is director of the Lawrence Berkeley National Laboratory in Berkeley and a leading advocate of reducing greenhouse gases by developing new energy sources. He is among a team of scientists, environmental researchers and energy experts Obama has gathered in what clearly is a move to change this nation's energy direction. The days of Dick Cheney developing energy policy with oil company executives behind closed doors are over.

In announcing his choice of Chu, Obama emphasized that change of direction in what can only be interpreted as a slap at the Bush administration.

"His appointment should send a signal to all that my administration will value science," Obama said in a Chicago news conference. "We will make decisions based on facts, and we understand that the facts demand bold action."

It sent one to Rep. Jerry McNerney, D-Pleasanton, a former wind-energy engineer who campaigned on a promise to push for more green energy companies in the Valley.

Too often, in areas ranging from stem cell research to climate change, science has been sacrificed for a political agenda. We can only hope the era of letting political appointees doctor, edit or simply hide research that doesn't fit the political dogma of the day is over.

[Letter to the Modesto Bee, Saturday, December 20, 2008](#)

### **Regs threaten small truckers**

The California Air Resources Board passed regulations that will destroy the trucking industry in California. To require trucks that haul produce and freight to install \$20,000 per truck in smog equipment that decreases gas mileage will bankrupt independents and fleets. Look for the price of produce and all other products to escalate. Look for trucking companies to move out of California!

Look for further cutbacks of school bus routes or elimination because the schools can't afford to comply. Some schools have tried natural gas buses and although the price per equivalent gallon was cheaper when diesel was in the \$4 range, natural gas gets half the mileage per gallon! It's beginning to look as though Sally and Johnny may have to start walking to school or Mom and Dad will have to make other arrangements.

Special formulated gasoline required by the state has given Californians higher fuel costs because of the lack of competition. If California had the same formula of gasoline as the rest of the country, competition would bring down the cost of fuel.

Wouldn't you like to see the science on how these decisions and conclusions were made and who made these decisions?

*John G. Wetzler, Modesto*

[Letter to the Bakersfield Californian, Monday, Dec. 22, 2008:](#)

### **We're not Bakersfield**

Here we sit in Frazier Park with 27 degree temperatures outside and it is a "no-burn day" again. The sky is crystal clear, no smog in sight, it is windy and it is really cold. We could use a cozy fire.

Where is the meter or device that measures our air in Frazier Park? To our knowledge, there is none up here in the mountains. If Bakersfield is having a bad-air day, that means that we must also be subjected to the same standard, even though there is no way to measure the particulate matter in Frazier Park air? How fair is that?

If we were to be issued a ticket for having a fire on a "no burn day," then the air quality management district should be able to prove what the air quality is on any given day. At this point, they cannot do that. I will bet that if anyone is ever issued a ticket for having a fire on a prohibited day in Frazier Park and takes it to court, it will be thrown out due to a lack of proof of actual air quality.

If there were a meter here, we would rarely be subjected to "no burn days." Frazier Park is not Bakersfield and we do not appreciate the assumption that our air is as bad as theirs. We are being subjected to governance of "because we said so."

This is completely ridiculous. Prove what our air quality actually is, or take us off the "no burn day" list.

*Carol Kimball, Frazier Park*

[Letter to the Sacramento Bee, Monday, December 22, 2008:](#)

### **Jerry Brown's doing his duty**

Re "Jerry Brown's paddling his political canoe" (Capitol & California, Dec. 15): Dan Walters criticizes Attorney General Jerry Brown – as he is wont to do – for both enforcing California's laws regarding greenhouse gases and at the same time fighting a federal court order to build \$8 billion worth of new prison facilities.

On global warming, Brown has forged agreements with two local governments (San Bernardino County and the city of Stockton) to ensure that their land-use policies are consistent with the state's new greenhouse gas law. These agreements are right in line with the scoping plan recently approved by the California Air Resources Board for carrying out the state's climate law, AB 32.

On prisons, Brown represents the governor in a case where California has been ordered to fund a massive \$8 billion prison construction plan. This plan is in clear violation of federal law, which bars federal judges from ordering the construction of new state prisons.

Bottom line: Brown is doing his duty to see that California's laws are uniformly and adequately enforced.

*Scott Gerber, Oakland, director of communications, Office of Attorney General Edmund G. Brown Jr.*

[Note: The following clip in Spanish discusses the California Public Utilities Commission approval of the Sunrise Powerlink Transmission Project; supporting the development of renewable energy](#)

[in the Imperial Valley. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Autorizan cableado que unirá a la meca de la energía renovable en EU**

Manuel Ocaño, Noticiero Latino

Radio Bilingüe, Friday, December 19, 2008

Autoridades en California autorizaron tender un cableado que unirá a la meca de la energía renovable estadounidense con el resto del estado.

La Comisión de Servicios Públicos de California autorizó el cableado que partirá del sur del Valle Imperial, donde se construye la mayor serie de generadoras de energía renovable o libre de contaminación.

El tendido se unirá tan sólo en términos de energía solar con una generadora de unos mil megavatios diarios.

Para empezar, el proyecto proporcionará al condado de San Diego un tercio de la energía que consume, pero de fuentes renovables.

[Note: The following clip in Spanish discusses an uncertain future for truck drivers; cleaning the air could possibly "clean out" truck drivers.](#)

### **La limpieza del aire podría también "limpiar" a choferes de trailers**

By Eduardo Stanley

El Sol, Friday, December 19, 2008

IVANHOE — La Mesa Directiva de Recursos del Aire (ARB, por sus siglas en inglés), aprobó una serie de resoluciones el pasado 12 de diciembre encaminadas a mejorar la calidad del aire que respiramos, pero que también podría dejar sin trabajo a decenas de choferes de trailers, especialmente aquellos con capital limitado.

Entre las resoluciones, se exigirá a los propietarios de trailers disponer de nuevos sistemas de limpieza de partículas contaminantes que produce el diesel y después la renovación de sus camiones.

Pero muchos transportistas pequeños aseguran que estas disposiciones los llevará a la ruina.

"Mi trailer cuesta entre 9 y 10 mil dólares, cómo voy a comprarme uno nuevo que cuesta entre 90 y 100 mil dólares?", pregunta en voz alta Juan Loza, originario de Jalisco y padre de tres hijos. "El transporte me deja ganancia porque yo manejo, no pago chofer".

Loza, quien lleva 15 años en este negocio, transporta bienes agrícolas en el Valle y pocas veces hace viajes largos. Incorporar el equipo requerido costaría unos \$15,000 dólares, más de lo que vale su camión.

"Tengo la impresión que el gobierno quiere eliminar a los troqueros pequeños, como yo, y dejar a las empresas grandes", afirma. "Creo que tendré que dejar el negocio".

Las nuevas disposiciones entrarán en vigor el 1 de enero de 2011. Para entonces, el millón de trailers que circula por California deberán contar con filtros especiales para controlar las emisiones contaminantes que se cree causan más de 9 mil muertes prematuras, además de asma, enfermedades cardíacas y respiratorias.

Para el año 2014, los propietarios de trailers deberán reemplazar gradualmente los motores anteriores al año 2010.

Para los transportistas de larga distancia, las exigencias adicionales incluyen llantas especiales y adiciones aerodinámicas para mejorar el consumo de combustible.

Según el ARB, los trailers son el último reducto no controlado de alta emisión de contaminantes debido al uso de diesel y estas reglamentaciones significan un paso adelante en los intentos por mejorar la salud de los californianos.

"No tengo capital para instalar el filtro o para comprarme un trailer nuevo", dice con resignación Arturo García, originario de Jalisco y con 9 años de troquero a sus espaldas. "No hay trabajo todo el tiempo, por ejemplo en invierno, la actividad comercial baja hasta un 40 por ciento".

El costo de mantenimiento de un trailer de 80 mil libras es de unos 10-12 mil dólares al año, "más el combustible", dice este padre de cinco hijos. García también cubre rutas locales, transportando productos agrícolas.

Gumaro Ceballos, por su parte, cree que detrás de estos nuevos reglamentos se esconde la mano del gobierno, "influenciado por las empresas grandes".

Porque, asegura, una vez que los pequeños transportistas desaparezcan, las empresas podrán fijar los precios del transporte. "Ellos son los que están presionando para dejarnos afuera", dice con firmeza.

Ceballos, de origen michoacano, tiene tres trailers y dos choferes. "A los rancheros tampoco les conviene que nos eliminen, nos necesitan".

Según detalla, a veces los contratistas o rancheros necesitan transporte adicional y llaman a los transportistas pequeños para que realicen más viajes y después de negociar brevemente el precio, arreglan verbalmente. "Con los grandes es diferente, son ellos los que fijan el precio de los viajes".

Ceballos, quien lleva nueve años en el negocio del transporte, dice que el aumento descontrolado del combustible durante este año lo dejó con un déficit de \$35 mil dólares. Y agrega, con tono de frustración, "ni vendiendo mis tres trailers saco para uno nuevo".

Los tres transportistas, residentes de Ivanhoe, se preguntan qué les ofrece el gobierno, quien asegura que dispondrá de información, fondos y préstamos para los transportistas.